

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CIVIL ACTION NO.: 5:07-CV-00437-D

SHARON B. IGLESIAS,

Plaintiff,

v.

JOHN WOLFORD, Chief of Police of Oxford,
N.C., in his official and individual capacities;
THOMAS MARROW, City Manager of
Oxford, N.C., in his official and individual
capacities; DON JENKINS, Human Resources
Manager for the City of Oxford, N.C., in his
official and individual capacities, and, the
CITY OF OXFORD, N.C.,

Defendants.

**DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

The Defendants, by and through their counsel of record, respectfully move the Court for entry of an Order granting summary judgment in their favor, pursuant to Rule 56 of the Federal Rules of Civil Procedure. The pleadings, depositions, discovery and other materials on file, together with the attached declaration testimony, establishes that there is no genuine issue of material fact and Defendants are entitled to judgment as a matter of law for the following reasons, among others:

- Plaintiff's speech was not protected.
- Plaintiff has failed to demonstrate the *Monell* element of her claims under 42 U.S.C. § 1983.
- The individual Defendants are entitled to qualified immunity in any event.

In accordance with Local Civil Rules 7.1 and 7.2, EDNC, Defendants have prepared a supporting Memorandum of Law which explains the bases of this motion in detail. Because

some of the evidentiary materials discussed are subject to a protective order entered earlier in the case, Defendants will be submitting the Memorandum and those materials separately under seal.

Accordingly, the Defendants' Motion for Summary Judgment should be ALLOWED and the Plaintiff's remaining claims should be DISMISSED WITH PREJUDICE.

Respectfully submitted, this the 15th day of December, 2008.

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/s/ M. Robin Davis

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Attorneys for Defendants

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CITY OF OXFORD, N.C.,)
)
Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2008, I electronically filed the foregoing *Defendants' Motion for Summary Judgment* with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Charles E. Monteith, Jr.
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Attorney for Plaintiff

This the 15th day of December, 2008.

CRANFILL SUMNER & HARTZOG LLP

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